

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

_____	)	
IONICS INCORPORATED,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. 04-11943-PBS
	)	
GLOBAL ENERGY, INC.,	)	
	)	
Defendant.	)	
_____	)	

**DEFENDANT'S LOCAL RULE 16.1(D)(3) CERTIFICATION**

Pursuant to Local Rule 16.1(D)(3), the Defendants and their counsel hereby certify that they have conferred: (a) with a view to establishing a budget for the costs of conducting the full course – and various alternative courses – of the litigation and (b) to consider the resolution of the litigation through the use of alternative dispute resolution programs.

Respectfully submitted,

/s/ Jason W. Morgan  
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Dated: November 4, 2004

*Counsel for Global Energy, Inc.*

/s/ Harry H. Graves  
Harry H. Graves  
President of Global Energy, Inc.

**CERTIFICATE OF SERVICE**

I, Jason W. Morgan, hereby certify that on November 4, 2004, I served a true and correct copy of the foregoing by regular mail upon counsel for Plaintiff, Kim M. Clarke, Nixon Peabody LLP, 100 Summer Street, Boston, Massachusetts 02110.

/s/ Jason W. Morgan  
Jason W. Morgan